

ORDINANCE NO. O-2024-59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING ORDINANCE NO. O-2008-142, CONCERNING TAX INCREMENT REINVESTMENT ZONE NUMBER THREE, CITY OF TYLER, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, BY AMENDING THE COMPOSITION OF THE BOARD OF DIRECTORS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on November 12, 2008, the City Council of the City of Tyler, Texas (the "Council"), pursuant to Chapter 311 of the Texas Tax Code, adopted City Ordinance No. O-2008-142 designating certain real property located in the central portion of the City, encompassing approximately 538.78 acres as Tax Increment Reinvestment Zone Number Three, City of Tyler, Texas (the "Zone"); and

WHEREAS, the City of Tyler Ordinance No. O-2008-142 originally set forth a Board of Directors for the Zone composed of nine members, including seven positions appointed by the Mayor and confirmed by City Council, and two positions appointed by other participating taxing jurisdictions; and

WHEREAS, on 10/11/2023, the City of Tyler Ordinance No. (O-2023-95) adopted the Reinvestment Zone Number Three, City of Tyler, Texas, Amended and Restated Final Project and Finance Plan (the "Amended Plan"), and for the extended term to 2060; and

WHEREAS, the City Council of the City of Tyler, Texas, now desires to amend Reinvestment Zone Number Three, City of Tyler, Texas, Ordinance No. O-2008-142 by reducing the number of board members appointed by the Mayor and confirmed by the City Council to four (4) members, providing four (4) board positions to be appointed by the Smith County Judge for the duration of Smith County's participation, and eliminating the one (1) board position to be appointed by the TJC Board of Trustees for the duration of Tyler Junior College's participation as they have discontinued their TIRZ participation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

PART 2. That Section 3 of Ordinance No. O-2008-142 shall be amended to read as follows:

SECTION 3. Board of Directors

That there is hereby created a Board of Directors for the Zone, which shall consist of nine (9) members. Positions One through Four on the Board of Directors shall be reserved for the City. Positions Five through Eight shall be reserved for Smith County for the duration of its participation within the Zone. Any taxing unit that appoints a director shall be assigned a Board position number in the order the City receives the appointment. Failure of a taxing unit to appoint a director by August 1, 2024, shall be deemed a waiver of the right to appoint a director, and the City shall be entitled to appoint persons to the position, which shall be

filled as provided below. If more than two taxing units levying taxes within the Zone appoint a director, the number of directors on the Board of Directors shall be increased by one for each taxing unit above two that appoints a director to the board; provided, that the maximum number of directors shall not exceed fifteen(15).

The Mayor is hereby authorized to nominate and appoint, subject to City Council approval, the directors to Positions One through Four of the Board of Directors, any position unfilled on August 1, 2024, and any City position created by the appointment of a director by more than two taxing units levying taxes within the Zone, subject to the consent and approval of the City Council.

The directors appointed to odd-numbered positions shall be appointed for two year terms, beginning on the effective date of this Ordinance, while the directors appointed to even-numbered positions shall be appointed to a one year term, beginning on the effective date of this Ordinance. All subsequent appointments shall be for two-year terms. The member of the Board of Directors appointed to Position One is hereby designated to serve as the chair of the Board of Directors for a one-year term beginning on the effective date of this Ordinance. Thereafter the Mayor shall annually nominate and appoint, subject to City Council approval, a member to serve as chair for a term of one year beginning on the anniversary of the effective date of this Ordinance. The City Council authorizes the Board of Directors to elect from its members a vice-chairman and such other officers as the Board of Directors sees fit.

The Board of Directors shall make recommendations to the City Council concerning the administration of the Zone. The Board of Directors shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone as described in Section 311.011, Texas Tax Code, and shall submit such plans to the City Council for its approval. The City hereby delegates to the Board of Directors all powers necessary to prepare and implement the project plan and reinvestment zone financing plan, subject to approval by the City Council, including the power to employ any consultants or enter into any reimbursement agreements payable solely from the Tax Increment Fund established pursuant to Section 7 6 of this Ordinance, that may be reasonably necessary or convenient to assist the Board of Directors in the preparation of the project plan and reinvestment zone financing plan and in the issuance of tax increment obligations.

PART 3. That all other existing provisions of Ordinance No. O-2008-142, will remain in full force and effect, save and except as amended by this ordinance.

PART 4. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance, which shall remain in full force and effect.

PART 5. That this ordinance shall take effect immediately from and after its passage and approval by the City Council.

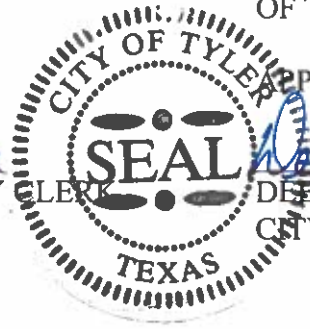
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, this the 22nd day of May A.D., 2024.




DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY